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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,559	12/03/2003	Alfred Plummer	2926-115	4018

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ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

EXAMINER

RAO, G NAGESH

ART UNIT PAPER NUMBER

1722

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/725,559	Applicant(s) PLAMMER, ALFRED	
	Examiner G. Nagesh Rao	Art Unit 1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-15 and 19-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 8-15 and 19-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Information Disclosure Statement

The information disclosure statement filed 6/18/01 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because English translations were not provided for DE 19647232 and EP 0960710. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 8-10, 12-14, and 32 rejected under 35 U.S.C. 102(b) as being anticipated by Murasaki (EP 0580073 A2).

Murasaki 073 teaches a method and apparatus for manufacturing a material-backed engaging member for surface fastener. As shown in figures 1 and 2 there is an extruding nozzle that reads on as a type of extruder (1), a die wheel (2) coupled with a multiplicity of molding cavities (5), rear and front pressure rollers (8a and 8b) that communicate with said die and mold cavities to form an undercut attachment on the molding strip.

The die wheel coupled with the mold cavities is able to produce an undercut attachment having a shape similar to that of a cone, whereby the molding strip is combined by a planar surfaced backing material (30) as processed through the rollers.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims 11 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Murasaki (EP 0580073 A2) in view of Reil (US 4,196,035).

Murasaki 073 lacks the specific teaching of using a piston/cylinder arrangement in the rolls where the strips are processed through the apparatus and the ability to form web profiles along the plastic strip.

Reil 035 teaches an apparatus for applying strips to coated web material. The apparatus is comprised of multiple pressure rollers that are used for the conveying of plastic strips and arranging of web profiles over the plastic (Column 3 Lines 57-65) through the apparatus. The pressure rollers are controlled by a regulating device, where among the elements comprised includes a pneumatic device (Figure 1 Elements 40 and 49) for aiding in driving pressure roller (Figure 1 Element 47 Also see Column 9 Lines 8-15).

It would be obvious to one skilled in the art to incorporate the pneumatic control device of Reil 035 into Murasaki 073 for the ability to control the feed rate and pressure applied onto the plastic strip as it is processed through the system.

3. Claims 19-31 rejected under 35 U.S.C. 103(a) as being unpatentable over Murasaki (EP 0580073 A2) in view of Fuda (JP 2000-225650 A).

The Fuda reference has a corresponding US Patent No. 6,540,497 B1, which is being used as an English equivalence of the claimed invention.

From aforementioned section 1, Murasaki 073 teaches a method and apparatus for manufacturing a material-backed engaging member for surface fastener.

Murasaki 073 however lacks the specific teachings of the apparatus further comprising of a heating plate corresponding with the mold and a cooling device roller.

Fuda 497 teaches a secondary molding apparatus for protrusions of synthetic resin erected on a surface of a flat base material. The Fuda 497 apparatus is similar to that of the Murasaki 073 apparatus, but however only has the means to produce a molding strip with protrusion attachments of the sort and lacks the secondary demolding strip that would be processed onto the other side of the molding strip.

Fuda 497 does teach the incorporation of an internal heating unit (Figure 3 Element 21 and Column 6 lines 1-6 and 38-44) which has heating temperature and speed control. Although the heating means preferred in Fuda 497 is an ultrasonic tool horn, the use of a heating plate is disclosed (Column 6 lines 38-44) Also included in Fuda 497's apparatus is a water-cooling bath (Column 4 Lines 34-40 and 52-55).

It would be obvious to one skilled in the art to modify the Murasaki 073 apparatus with the heating and cooling means of Fuda 497 for the ability to "quick heat" localized areas of the molded strip material followed by the cooling means to quench the heated material once done being processed. Although Fuda 497 does not teach the cooling means as being a cooling roller, it is obvious to one skilled in the art to want to incorporate a cooling means the rollers of Murasaki 073 as a way of continuously cooling the processed molding strips to maintain the structural integrity of the strip.

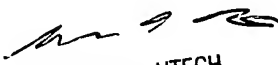
Furthermore the apparatuses as taught in the aforementioned are capable of handling thermoplastic materials, and the claims directed towards the use of those materials within the apparatus is merely a recitation of intended use.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to G. Nagesh Rao whose telephone number is (571) 272-2946. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Utech can be reached on (571) 272-1137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GNR


BENJAMIN L. UTECH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700